



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 27, 1992

Ms. Susan M. Kelley
General Counsel
Texas Workers Compensation Commission
Southfield Building
4000 South IH-35
Austin, Texas 78704

OR92-42

Dear Ms. Kelley:

You ask whether information held by the Workers' Compensation Commission relating to complaints filed against an insurance company are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13642.

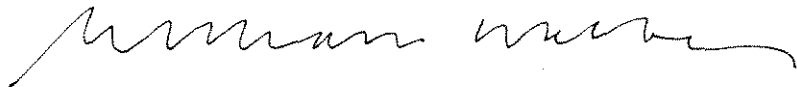
You say that all the requested information relates to actual claims handled through the Workers' Compensation Commission or its predecessor body, the Industrial Accident Board. (Under the 1989 Texas Workers' Compensation Act, the Industrial Accident Board was replaced by the "Workers' Compensation Commission." *See* Acts 1989, 71st Leg., 2d C.S., ch. 1, §§ 2.01 *et seq.*) You assert that the information therefore must be withheld from public disclosure under section 3(a)(1) of the Open Records Act in conjunction with article 8308-2.31, V.T.C.S. We agree.

Section 3(a)(1) protects information made confidential by statute. Article 8308-2.31 makes confidential, with certain exceptions we do not understand to be applicable here, "information in or derived from a claim file." *See also* confidentiality provisions of former article 8307, § 9a, V.T.C.S., which were repealed with adoption of the 1989 Workers' Compensation Act. Acts 1989, 71st Leg., 2d C.S., ch. 1, § 16.01. In our opinion, the statutory confidentiality provisions in question are broad enough to protect any information held by the commission

relating to specific claims. *See* Open Records Decision No. 533 (1989). Accordingly, you must withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this *informal letter ruling* rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-42.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/mc

Ref.: ID# 13642

Enclosure: Open Records Decision No. 533

cc: Edward Sargologos
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